

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

_____ X

DAVID KLEIN,

Plaintiff,

Civil Action No. 22-cv-05629-JPC

V.

JELLY BELLY CANDY COMPANY,

Defendant.

_____ X

NOTICE OF VOLUNTARY DISMISSAL

Pursuant to Fed. R. Civ. P. 41, and permitted by this Court¹, David Klein (“Plaintiff”) notice’s dismissal of this action. Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” The United States accordingly notices voluntary dismissal of this action, without prejudice. *See*, Fed. R. Civ. P. 41(a)(1)(B).

In alternative, Pursuant to Fed. R. Civ. P. 41(a)(2) Plaintiff notice’s dismissal of this action. Rule 41(a)(2) provides that an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper. Unless the order states otherwise, a dismissal is without prejudice. The United States accordingly notices voluntary dismissal of this action, without prejudice. *See*, Fed. R. Civ. P. 41(a)(1)(B). *See*, Fed. R. Civ. P. 41(a)(2).

[continued]

¹ *See*, Doc. No.: 27

[continued]

Respectfully submitted,

Date: 8/26/2022

cc: Counsel of record (by ECF)

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